

M E M O R A N D U M

To: Members of the Planning Commission

From: Thomas F. Peak, Secretary

Subject: C-2 DISTRICT, FLOOR AREA RATIO (FAR) REGULATION

In July of 1978 the City Council amended the Zoning Ordinance to increase the permitted floor area ratio in the C-2 District from 4.0 to 6.0. Inadvertently the amendment process failed to include a consideration of the potential environmental effects of such a change.

Although the passage of time had rendered that omission legally irrelevant by January 1979 when the error was noted, it was determined that the Comprehensive Planning Department should proceed with an initial study to determine if potentially adverse effects were involved. That study is attached.

As a result of the initial study, it was concluded that generally the increase in the permitted FAR would not have a significant adverse environmental effect, but that there was a potential for such effect in the area of aesthetics should the design, finish or materials of a new building be incompatible with neighboring older buildings or the overall appearance of the CBD.

As a measure to mitigate such a potential adverse effect, the initial study suggests that the architectural design of proposed buildings having an FAR greater than 4.0 should be subject to discretionary approval. Also attached is a proposed zoning amendment to specifically implement this mitigating measure.

The Commission is reminded of the communication from the Board of Adjustments submitted at the last meeting suggesting that use permits be required for such buildings.

It is the conclusion of the Initial Study that with the mitigation measure suggested, an increase in the permitted FAR to 6.0 will not have adverse environmental effects.

It is recommended, therefore, that the Planning Commission endorse the proposed amendment to Section 10.4 of the Zoning Ordinance as set forth in attachment 4 and recommend its adoption by the City Council. The Commission is advised that the proposed amendment has been determined to be a categorically exempt project under Class 8, Actions by Regulatory Agencies for Protection of the Environment of the State Guidelines.

INSTITUTE OF GOVERNMENTAL
STUDIES LIBRARY

MAY 21 1979

UNIVERSITY OF CALIFORNIA

u slg

80 00703

INSTITUTE OF GOVERNMENTAL
STUDIES LIBRARY

MAR 24 2025

UNIVERSITY OF CALIFORNIA

50 00703

INITIAL STUDY

ENVIRONMENTAL IMPACT EVALUATION

Project: Zoning Ordinance Amendment - Modification C-2 ZONING DISTRICT
Floor Ratio Regulation

Sponsor: City of Berkeley, Comprehensive Planning Department

DESCRIPTION:

The proposed change in the Zoning Ordinance is to increase the ratio of allowable building floor area to lot area from 4 to 6 in the in the Central Business District. The intent of the amendment is to allow a more appropriate and economic lot development in the downtown area of Berkeley in accordance with the Master Plan policies.

ENVIRONMENTAL SETTING:

A downtown Central Business District of a city of approximately 110,000 permanent residents plus a daily non-resident population of approximately 13,000 University of California students, faculty and staff. The district is traversed by two major streets of 157' and 100' width plus other major arteries and side streets. (See Zoning Map, Attachment 1.) The breadth of the area is further constrained by the UC campus to the east and the Berkeley High Campus and Provo Park to the west. Existing land uses consist primarily of retail sales, service and other commercial establishments at ground level, with some residential but predominantly office or commercial uses on upper floors. An increasing amount of institutional use, including City offices and University of California, appears to be occurring.

The Central Business District is almost fully developed with buildings ranging from 1 to 12 stories in height, with only two examples of the latter. A substantial number of buildings are in the 5 to 8 story range; downtown buildings in the central portion of the district tend to cover a large proportion of the lot; those on the boundaries of residential districts are generally smaller and the lots less intensively developed.

The transportation hub of the city is in the Central District with access to local and regional bus routes, Bay Area Rapid Transit District trains, a University of California shuttle bus and Berkeley's Bikeway System.

The rate of development in the area has been slow, the last ten years witnessing the construction of only six buildings; all of these single story except one 4-story office building. All land in the downtown district is covered with buildings, streets, sidewalks, parking lots or other paving.

The C-2 District is approximately 1400 feet west of the closest boundary of the Alquist-Priolo Seismic Study Zone. The area is not identified on the Composite Natural Hazards map in the Safey Element of the Berkeley Master Plan as being in an area subject to the listed hazards, (seismic, fire or flood). (See natural Hazards Map, attachment #2,) and (Resource Persons contact report, attachment #3).

ENVIRONMENTAL EFFECTS: (See attached environmental checklist)

In general the increase in permitted floor area ratio as proposed would have no significant environmental effects. The total area of the city affected by the proposed ordinance change, the C-2 District, constitutes only 1.17% of the area of the city east of the Eastshore Freeway. Of the C-2 District, certain portions are not available for further development including those parcels already devoted to public buildings, parks, schools, institutions, (University of California buildings, State Department of Public Health, etc.). A further large portion of the C-2 District is effectively eliminated from potential development to a F.A.R. of 6:1 by the fact that it is already developed to the extent that it would be uneconomic to demolish what exists for the sake of the additional floor area that could be gained. What remains as a potential for development to the new standard are those private properties presently vacant or developed with low buildings, (assumed up to an FAR 2:1); whether such properties are actually developed or not depends upon further diverse factors including the demand for downtown space and individual circumstances of properties, owners and developers. In sum, the number of actual cases in which the F.A.R. of 6:1 is apt to become reality are few.

Items 13b, referring to possible future effect upon demand for parking; 15a, referring to possible substantial energy use and 18 referring to possible aesthetic effects were each checked as "maybe" on the environmental checklist. The former two categories would have meaningful effects only in the event of extensive redevelopment of a large proportion of downtown structures currently with fewer than four stories (or three stories with basement). Given the inactive development pattern in the central district over the last few decades, and the fact mentioned above that only one new building in the last ten years even approached the 4:1 F.A.R., the likelihood of such massive redevelopment is quite remote.

Even if downtown development were to proceed at a faster pace, the project (increase in floor area ratio, and any implications of more intensive land use resulting therefrom) is consistent with the intent and purpose of various goals and policies officially adopted by the City and with the Berkeley Zoning Ordinance. A listing of the adopted goals and policies (or proposed in the case of the Economic Element) follows:

A. MASTER PLAN POLICIES - LAND ELEMENT

Policy 1.20

Recognize the distinct functions of four types of commercial areas with appropriate land use controls for each type:

The Central District: Diverse center of commerce, government and cultural activities for Berkeley.

Policy 1.21

Encourage commercial activities serving a regional market to locate in the Central District or a commercial service district, and discourage them in neighborhood and community commercial districts.

Policy 1.45

Encourage the University to lease space for needed administrative and research activities in privately-owned existing and new buildings in the Central area.

TRANSPORTATION MASTER PLAN ELEMENT - POLICIES

Policy 2.01

Reduce dependence on the private automobile as the dominant mode of transportation by developing alternatives for local and regional transportation which are convenient, pleasant to use, reasonably priced and reliable.

Policy 2.02

Permit significant expansion of commercial, office and institutional activities which generate traffic only in areas served by transit.

The above policies were adopted by the Berkeley City Council in June 1977 after consideration of an Initial Study of the environmental impacts of the proposed Master Plan.

B. DRAFT ECONOMIC DEVELOPMENT PLAN - OBJECTIVES AND POLICIES:

OBJECTIVE THREE:

One or more facilities to accommodate research organizations or activities should be established in the downtown area.

Policy 3.2

Encourage research organizations, particularly those affiliated with the University, to locate in the downtown.

OBJECTIVE FOUR:

The downtown should become a center of offices for local and regional businesses.

Policy 4.2

Encourage office centers, particularly new buildings, to locate as near as possible to the downtown BART station, and to parking facilities. Street floor space in new office buildings should be devoted to retail activity where possible.

BERKELEY ZONING ORDINANCE

The Berkeley Zoning Ordinance, (Section 10.2, Ord. 3018 N.S.), provides for a height limit of 100 feet in the C-2 (Central Commercial) District. Previous to the regulation specifying a floor area ratio of 4.0 the C-2 District permitted an effective floor area ratio of 10, with a height limit of 100 feet, and no limitation regarding lot coverage.

MITIGATING MEASURESParking

With respect to the question of parking demand, the effect of increase in the FAR is largely mitigated by reason of the location of the Central District in the transportation hub of the City. Incidentally, city policy to reduce dependency on the private auto should, in time, result in the area being even more attractive as a destination by transit rather than by auto.

Increasing the permitted FAR to allow more efficient use of downtown property could carry with it long range environmental benefit to the community at large by reducing the pressure for commercial (and/or residential) development in other parts of the city where the effects upon traffic intensity of use and neighborhood characteristics would be undesirable.

Energy Consumption

It is assumed that development that will occur between the levels of FAR 4 and FAR 6 will be of modern, energy efficient construction, both by reason of building code requirements and the self-interest of the developer. The amount of such construction, related to that occurring in lower buildings, is expected to be small, and the amount of increased energy consumption of an increased FAR insignificant.

AESTHETIC ENVIRONMENTAL EFFECTS

Potentially, the most significant environmental effect of an increase in the permitted floor area ratio is visual. The downtown area contains a wide range of building sizes and architectural style. Buildings with a floor area ratio of 4.0 or less would tend to be relatively low, particularly if a basement were involved, and of a height not much in excess of that permitted even in low density residential districts.

An FAR of 6.0, however, would permit a 6-story building covering 100% of a lot, and though the number of such projects is expected to be small, such a building might well be visually prominent having visual effects upon nearby property as well as the appearance of the CBD overall.

While the intensity of use allowed by an FAR of 6.0 is appropriate for the Central District, subject to the existing use restrictions of the Zoning Ordinance, the potential for conflicts in scale, design, finish and embellishment, with existing buildings is an area of concern for which mitigation measures may be necessary.

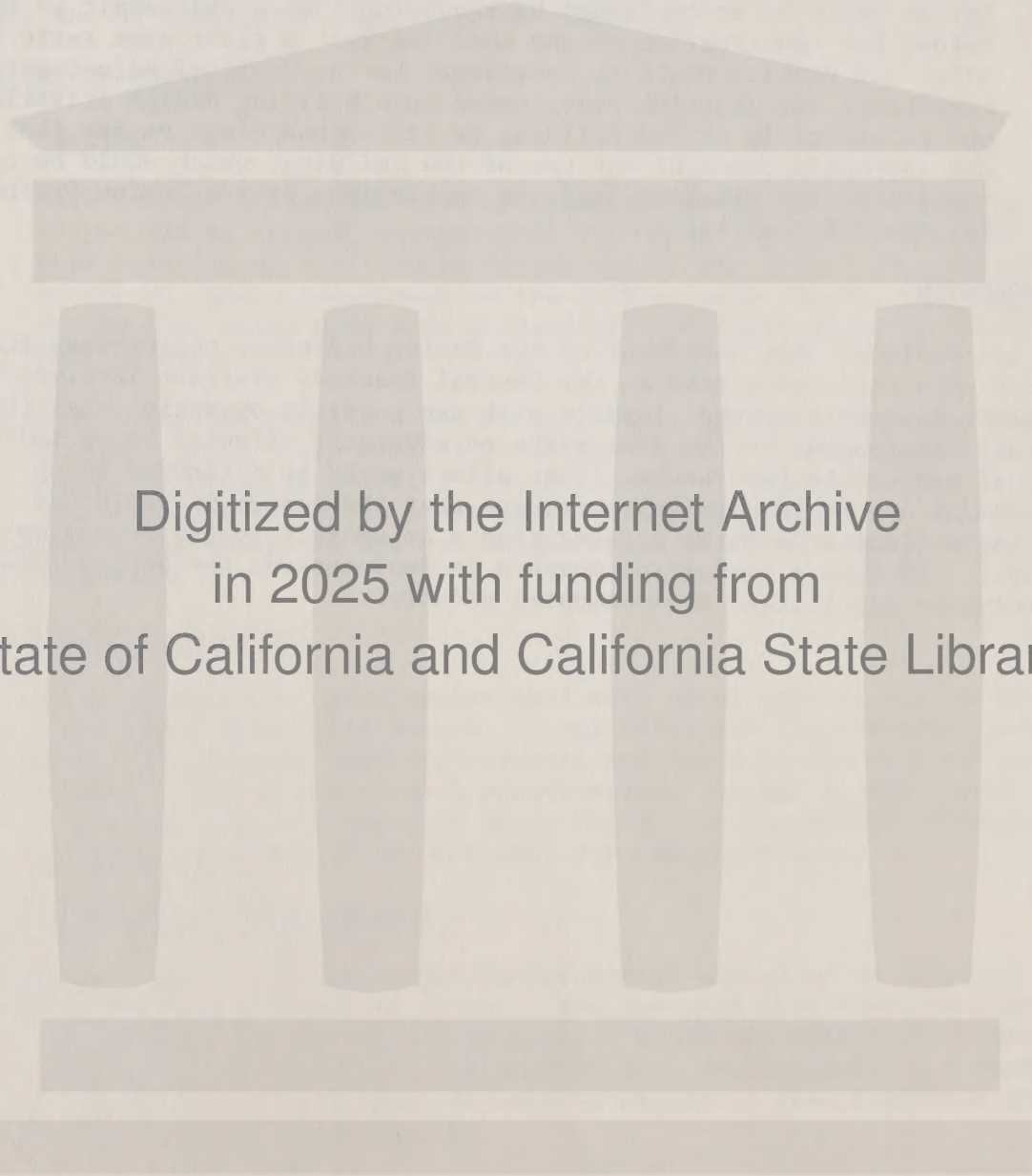
Mitigation Measures - Aesthetic Effects

The adverse aesthetic effects of somewhat larger buildings resulting from increasing the permitted floor area ratio would be mitigated by requiring a review of the design of such buildings.

Review could be accomplished by requiring that a use permit be obtained for construction of any building with a floor area ratio over 4:1. Use Permits would be considered by the Board of Adjustments, conditions for granting being based upon building design criteria and relationship of the building to its surroundings rather than upon the appropriateness of the use of the building, which would be controlled by the existing land use regulations of the Zoning Ordinance for the C-2 District.

CONCLUSION

It is concluded that amendment of the Zoning Ordinance to increase the floor area ratio permitted in the Central Business District involves no significant environmental impacts with the possible exception that the visual environment of the area might be adversely affected by an individual project in the future. That effect could be mitigated by an amendment of the regulation to require that the design of buildings having a floor area ratio greater than 4 be subject to review and approval. If such a mitigating measure is implemented, the project will involve no significant environmental effects.



Digitized by the Internet Archive
in 2025 with funding from
State of California and California State Library

<https://archive.org/details/C123316657>

CITY OF BERKELEY

ENVIRONMENTAL INITIAL STUDY

ENVIRONMENTAL CHECKLIST FORM
(To be completed by Lead Agency)

I. BACKGROUND

1. Name of Proponent City of Berkeley, Comprehensive Planning Dept.
2. Address and Phone Number of Proponent:
2180 Milvia Street, Berkeley, Ca., 94704 644-6534
3. Date of Checklist Submitted _____
4. Agency Requiring Checklist City of Berkeley
5. Name of Proposal, if applicable Zoning Ordinance Amendment
- C-2 (Central Commercial District) Floor Area Ratio

II. ENVIRONMENTAL IMPACTS

(Explanations of all "yes" and "maybe" answers are required on attached sheets.)

DO NOT WRITE IN THIS SPACE

	<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
1. <u>Earth.</u> Will the proposal result in:			
a. Unstable earth conditions or in changes in geologic substructures?	—	—	<u>X</u>
b. Disruptions, displacements, compaction or overcovering of the soil?	—	—	<u>X</u>
c. Change in topography or ground surface relief features?	—	—	<u>X</u>
d. The destruction, covering or modification of any unique geologic or physical features?	—	—	<u>X</u>
e. Any increase in wind or water erosion of soils, either on or off the site?	—	—	<u>X</u>
f. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?	—	—	<u>X</u>

	<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
g. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?	—	—	<u>X</u>
2. <u>Air.</u> Will the proposal result in:			
a. Substantial air emissions or deterioration of ambient air quality?	—	—	<u>X</u>
b. The creation of objectionable odors?	—	—	<u>X</u>
c. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?	—	—	<u>X</u>
3. <u>Water.</u> Will the proposal result in:			
a. Changes in currents, or the course or direction of water movements, in either marine or fresh waters?	—	—	<u>X</u>
b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff?	—	—	<u>X</u>
c. Alterations to the course or flow of flood waters?	—	—	<u>X</u>
d. Change in the amount of surface water in any water body?	—	—	<u>X</u>
e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?	—	—	<u>X</u>
f. Alteration of the direction or rate of flow of ground waters?	—	—	<u>X</u>
g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	—	—	<u>X</u>

	<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
h. Substantial reduction in the amount of water otherwise available for public water supplies?	—	—	<u>X</u>
i. Exposure of people or property to water related hazards such as flooding or tidal waves?	—	—	<u>X</u>
4. <u>Plant Life.</u> Will the proposal result in:			
a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, microflora and aquatic plants)?	—	—	<u>X</u>
b. Reduction of the numbers of any unique, rare or endangered species of plants?	—	—	<u>X</u>
c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?	—	—	<u>X</u>
d. Reduction in acreage of any agricultural crop?	—	—	<u>X</u>
5. <u>Animal Life.</u> Will the proposal result in:			
a. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects or microfauna)?	—	—	<u>X</u>
b. Reduction of the numbers of any unique, rare or endangered species of animals?	—	—	<u>X</u>
c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	—	—	<u>X</u>
d. Deterioration to existing fish or wildlife habitat?	—	—	<u>X</u>

	<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
6. <u>Noise.</u> Will the proposal result in:			
a. Increases in existing noise levels?	—	—	<u>X</u>
b. Exposure of people to severe noise levels?	—	—	<u>X</u>
7. <u>Light and Glare.</u> Will the proposal produce new light or glare?	—	—	<u>X</u>
8. <u>Land Use.</u> Will the proposal result in a substantial alteration of the present or planned land use of an area?	—	—	<u>X</u>
9. <u>Natural Resources.</u> Will the proposal result in:			
a. Increase in the rate of use of any natural resources?	—	—	<u>X</u>
b. Substantial depletion of any nonrenewable natural resource?	—	—	<u>X</u>
10. <u>Risk of Upset.</u> Does the proposal involve a risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?	—	—	<u>X</u>
11. <u>Population.</u> Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?	—	—	<u>X</u>
12. <u>Housing.</u> Will the proposal affect existing housing, or create a demand for additional housing?	—	—	<u>X</u>
13. <u>Transportation/Circulation.</u> Will the proposal result in:			
a. Generation of substantial additional vehicular movement?	—	—	<u>X</u>

	<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
b. Effects on existing parking facilities, or demand for new parking?	---	<u>X</u>	---
c. Substantial impact upon existing transportation systems?	---	---	<u>X</u>
d. Alterations to present patterns of circulation or movement of people and/or goods?	---	---	<u>X</u>
e. Alterations to waterborne, rail or air traffic?	---	---	<u>X</u>
f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?	---	---	<u>X</u>
14. <u>Public Services.</u> Will the proposal have an effect upon, or result in a need for new or altered governmental services in any of the following areas:			
a. Fire protection?	---	---	<u>X</u>
b. Police protection?	---	---	<u>X</u>
c. Schools?	---	---	<u>X</u>
d. Parks or other recreational facilities?	---	---	<u>X</u>
e. Maintenance of public facilities, including roads?	---	---	<u>X</u>
f. Other governmental services?	---	---	<u>X</u>
15. <u>Energy.</u> Will the proposal result in:			
a. Use of substantial amounts of fuel or energy?	---	<u>X</u>	---
b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?	---	---	<u>X</u>

	<u>YES</u>	<u>MAYBE</u>	<u>NO</u>
16. <u>Utilities.</u> Will the proposal result in a need for new systems, or substantial alterations to the following utilities:			
a. Power or natural gas?	---	---	<u>X</u>
b. Communications systems?	---	---	<u>X</u>
c. Water?	---	---	<u>X</u>
d. Sewer or septic tanks?	---	---	<u>X</u>
e. Storm water drainage?	---	---	<u>X</u>
f. Solid waste and disposal?	---	---	<u>X</u>
17. <u>Human Health.</u> Will the proposal result in:			
a. Creation of any health hazard or potential health hazard (excluding mental health)?	---	---	<u>X</u>
b. Exposure of people to potential health hazards?	---	---	<u>X</u>
18. <u>Aesthetics.</u> Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?	---	<u>X</u>	---
19. <u>Recreation.</u> Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?	---	---	<u>X</u>
20. <u>Archeological/Historical.</u> Will the proposal result in an alteration of a significant archeological or historical site, structure, object or building?	---	---	<u>X</u>

YES MAYBE NO

21. Mandatory Findings of Significance.

(a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

X

b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)

X

c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)

X

d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

X

III. DISCUSSION OF ENVIRONMENTAL EVALUATION

DO NOT WRITE IN THIS SPACE

IV. DETERMINATION
(To be completed by the Lead Agency)

On the basis of this initial evaluation:

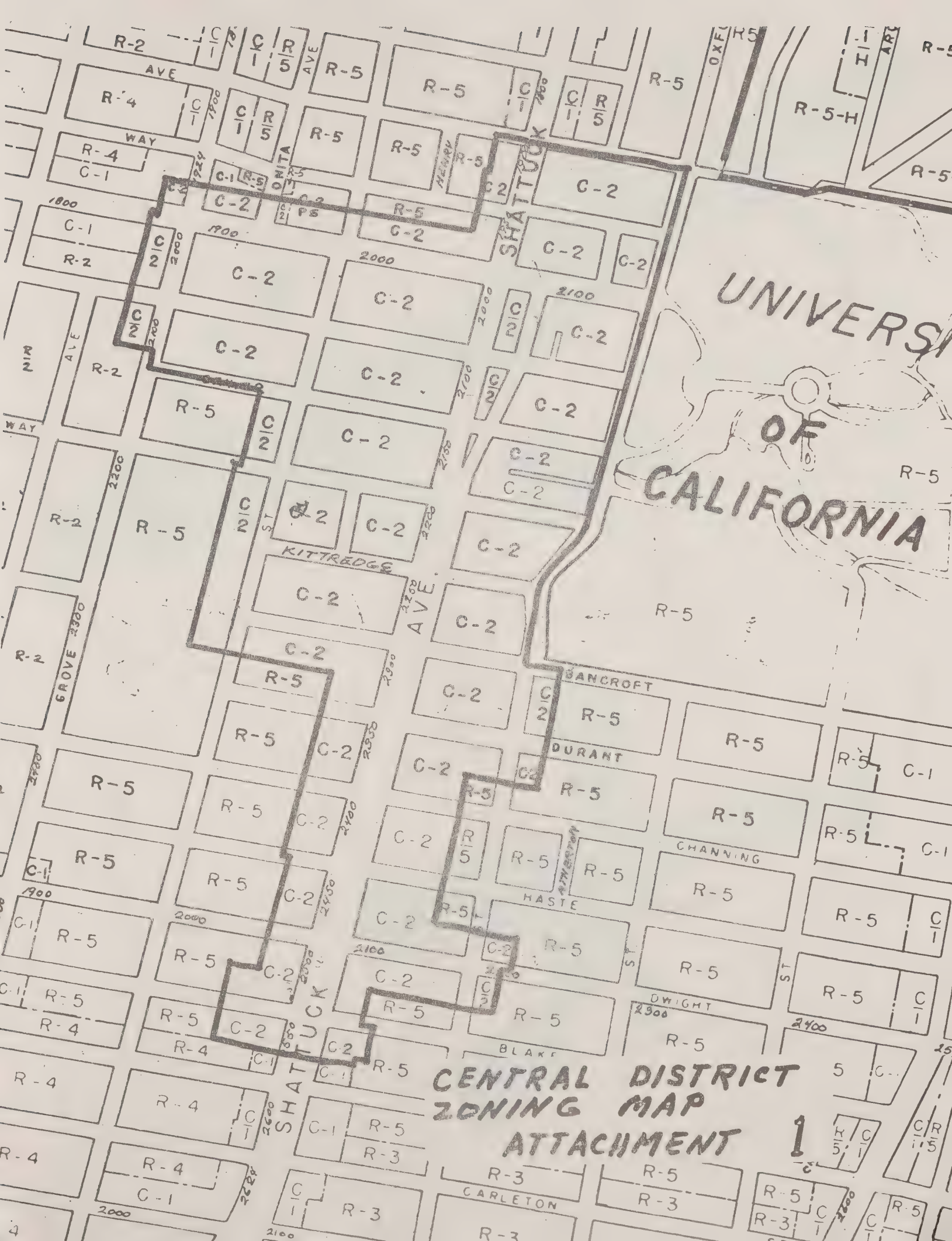
- ☒ I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION WILL BE PREPARED.
- ☐ I find the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

DO NOT WRITE IN THIS SPACE

Date _____

(Signature)

For _____



UNIVERSITY
OF
CALIFORNIA

**CENTRAL DISTRICT
ZONING MAP
ATTACHMENT 1**

NATURAL HAZARDS MAP

BERKELEY, CALIF.

SEISMIC HAZARDS

Hayward Fault

Special Studies Zone Boundaries

Potentially Active Faults

-accurate location

-approximate location

Liquefaction

• Small Landslide Areas

Major Landslide Areas

Tsunami

FIRE HAZARDS

Panoramic Hill

FLOOD HAZARDS

Reservoir

Inundation

100 Year Flood

SOURCES:

-U.S.G.S. Map MF-480, 1972

MF-493, 1973

-East Bay Municipal Utility District, 1975

-Interpretation of data by the Master Plan Revision Committee

-Panoramic Hill Area Development and Environmental Resources Study, 1974

-1974 Radbruch-Hall Hayward Fault Map

Distortion of street and sidewalks due to landsliding, fault movement or both.

Fault gouge and old stream deposits exposed in excavation.

Culvert damaged by fault slippage.

(Radbruch and Lennett, 1966)

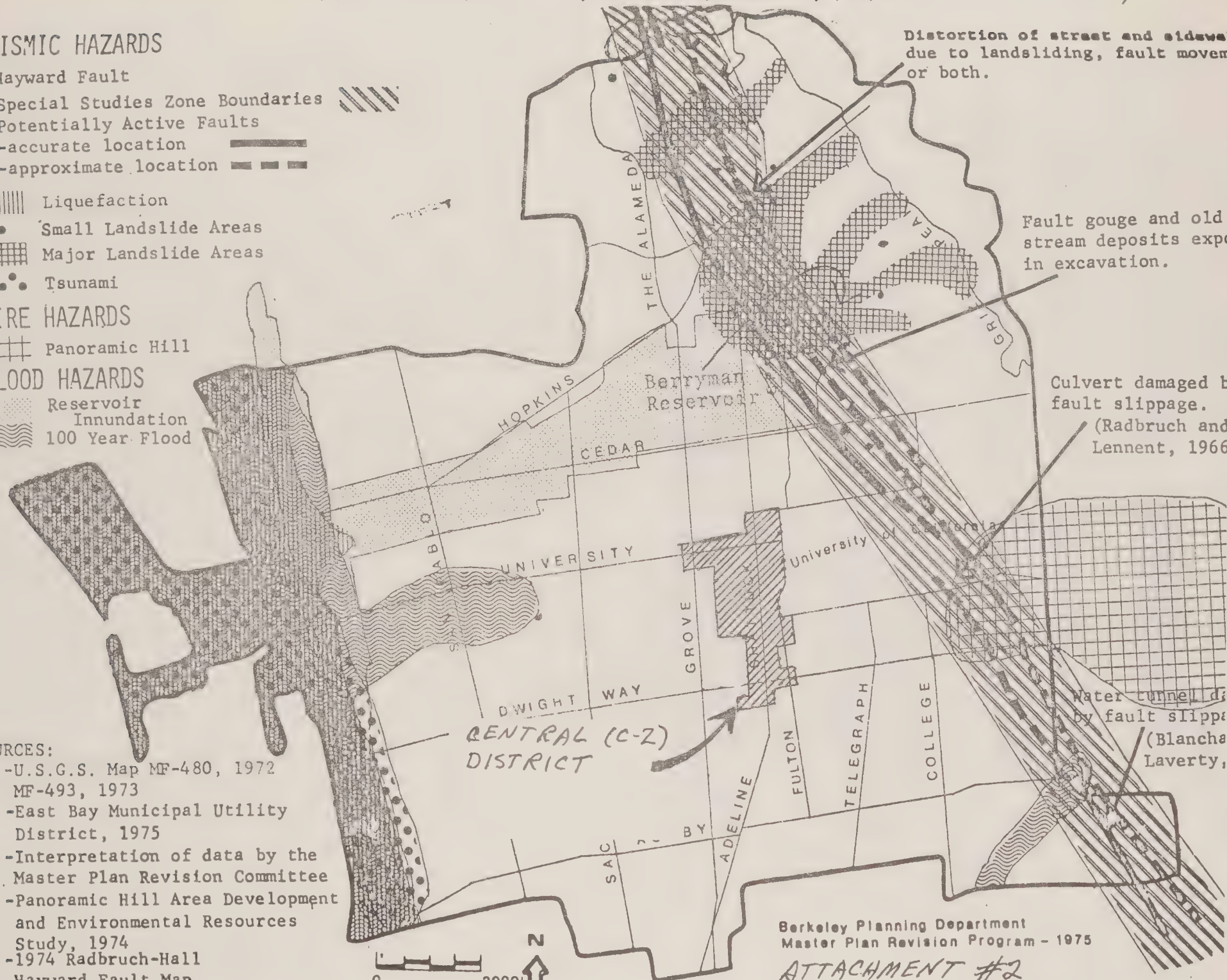
Water tunnel damaged by fault slippage

(Blancha Laverty, 1966)

CENTRAL (C-2) DISTRICT

Berkeley Planning Department
Master Plan Revision Program - 1975

ATTACHMENT #2



INITIAL STUDY - RESOURCE PERSON CONTACTS

Brian Lee, Engineering Division Chief, Department of Public Works

When asked, Mr. Lee replied that the project (FAR - 6:1) would not have significant effects upon public works issues such as sewers, run-off, etc.).

Harry Stoops, Executive Vice President, Berkeley Chamber of Commerce

Mr. Stoops commented he could see no reason why buildings of the height contemplated would cause environmental or other detriment in the Central Business District.

Lesley Emmington, Landmarks Preservation Commission.

Ms. Emmington expressed concern over the aesthetics of buildings over four stories in height and felt there should be some method of review of design to prevent conflict with appearance of existing buildings and the downtown area.

PROPOSED AMENDMENT TO SECTION 10.4 OF THE ZONING ORDINANCE

(New language underlined, deleted language ~~crossed out~~)

Section 10.4 FLOOR AREA RATIO

The maximum permitted floor area ratio shall be six (6.0) provided, however,
that a Use Permit shall be required for any building having floor area
ratio over four (4.0). The Board of Adjustments shall grant said Use Permit
only upon a finding that (1) the exterior design, color and materials of the
proposed building are compatible with the visual character and form of the
Central Business District; and (2) no officially designated landmark struc-
ture in the vicinity would be adversely affected by reason of the appear-
ance or design of the proposed building. Said findings shall be made in
lieu of those specified in Section 20.2.

INSTITUTE OF GOVERNMENT
STUDY LIBRARY
MAR 24 2022
UNIVERSITY OF CALIFORNIA

80 00703

U.C. BERKELEY LIBRARIES



C123316657

INSTITUTE OF GOVERNMENTAL
STUDIES LIBRARY

MAR 24 2025

UNIVERSITY OF CALIFORNIA